

REMARKS

The Official Action is an Interview Summary.

The Official Action states that the substance of interview was a discussion concerning sections 101 and 112 issues with the independent claims; that the Examiner emphasized applicant should focus on what the computer readable medium causes the computer to do; and that the Examiner also noted that for the editor claims (14), it may be advantageous to claim as a method so as to incorporate steps performed by a user when creating the calculating tree.

The Official Action states that if a reply to the last Office action has already been filed (as in this situation), applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

The Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record indicates that a complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

The Official Action indicates that A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW may include an identification of the

claims discussed, an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner, and a brief identification of the general thrust of the principal arguments presented to the examiner.

As identified by the interview summary, the independent claims were discussed (with an emphasis on claims 14 and 24), with a focus on section 101 and 112 issues.

The general thrust of the interview was both the 101 and 112 issues and that applicant would amend the claims to better recite what the computer readable medium causes the computer to do, and to comply with section 101 requirements while avoiding the appearance of "hybrid" claims.

For example, the recitation in claim 14 of "the computer displaying on a screen, in a graphic form, said tree structure;" did not recite the screen itself but only the display action. Thus, it was understood that such a recitation did not give rise to an impermissible "hybrid" claim.

As to the Examiner noting that for the editor claim, it may be advantageous to claim as a method so as to incorporate steps performed by a user when creating the calculating tree, attention is directed to method claim 25. Applicant would be willing to consider converting claim 14 and its dependent claims to method claims, should the recited subject matter be acknowledged to be patentable.

This response is believed to be fully responsive and satisfy applicant's duty to file a statement of the substance of the interview.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Roland E. Long, Jr./  
Roland E. Long, Jr., Reg. No. 41,949  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REL/msd